

## **REMARKS**

### **I. Summary**

Applicant thanks Examiner Pillai for the thorough examination. The Advisory Action mailed August 24, 2010 ("Advisory Action") repeated the previous rejection of claims 41-65 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application. 2003/0004853 ("Ram") and U.S. Patent Application 2003/0189670 ("Kennedy").

By this submission, claims 41-44, 51, and 59-64 were amended, and claims 66-69 were added. Support for the amendments and new claims may be found throughout the specification and particularly at least at pages 13-14. No new matter was added. Applicant respectfully submits that the application is in a condition for allowance for at least the following reasons:

### **II. Rejection Under 35 U.S.C. § 103**

The claims relate to sending trade orders to buy or sell a tradeable object at an electronic exchange. According to the claims, in response to a first user command that moves a cursor over a location of a trading screen corresponding to a first price level displayed on a trading screen, a price for a trade order to buy or sell the tradeable object at the selected first price level is set to the first price level. The trading screen is updated such that the selected location of the trading screen corresponds to a second price level that is different than the first price level, but the trade order is maintained at the first price level. A second user command sends the trade order in an order message to an electronic exchange, at the first price level. Accordingly, the price level for the trade order is set by selecting the location and remains at that first price level even though the location that was selected is updated to a different price level.

The Office Action dated June 11, 2010 at pp. 2-3 refers to Ram as disclosing placing a cursor over a location corresponding to a first price level, establishing an association between the cursor and the first price level, updating the trading screen and a second command to send the trade order in an order message. The Office Action at page 3 refers to Kennedy as disclosing an association maintained between the cursor and the price level corresponding to the location over which the cursor is placed subsequent to the update to the trading screen. The Advisory Action confirms that the objective of Kennedy is to maintain a position of a cursor and asserts that Ram would be motivated by Kennedy to maintain the position of the cursor.

The cited art does not disclose or suggest sending a trade order at a price level that is different than a price level that is at a selected location. More particularly, the cited art does not disclose or suggest setting a trade order to buy or sell the tradeable object at a first price level in response to selecting a first location, updating the trading screen such that the location corresponds to a second price level different than the first price level, maintaining the trade order at the first price level responsive to the update to the trading screen; and subsequently, sending the trade order in an order message at the first price level in response to a second user command.

First, as previously pointed out, there are two ways that orders in Ram are entered: 1) a trade order is entered by manually filling out a trade ticket; and 2) a quantity is dragged from the Position Guide ("PG") onto a grid with a computer's pointing device. In the first instance, the trade order does not have a price of a selected corresponding to any selected location, and in the second instance, Ram discloses that the entered order has a price at which the quantity is dragged. Neither instance includes entering an order at a price level that is different than a price level at a selected location.

To that end, the Office Action at page 3 acknowledges that Ram does not maintain an association between a cursor and a price level of a selected location. Because there is no maintained association, Ram does not disclose or suggest setting a price for a trade order to buy or sell the tradeable object at a price level in response to selecting a first location and maintaining the trade order at the set price level. Accordingly, features of the claims are entirely missing from Ram.

Second, as for Kennedy, the Advisory Action confirms that Kennedy does not relate to trading, setting price levels for a trade order, maintaining trade orders, and sending trade orders in a trade message, but instead relates to maintaining a position of a cursor. To that end, nothing in Kennedy discloses or suggests sending an order at a price level such that the price level at the location when a location is selected is different than the price level at the location when the trade order is sent. In addition, Applicant again points out that the combination of Ram and Kennedy for a finding of obviousness is improper. (*See Anderson Corp. v. Pella Corp.*, 300 Fed. Appx. 893 (Fed. Cir. 2008) holding that a prior art cannot be combined where the prior art is not part of the field of invention). Similarly, Kennedy is clearly outside the field of invention for the claimed subject matter for sending trade orders.

As such, Applicant respectfully submits that the claims would not be obvious over the cited art. Withdrawal of the rejection is respectfully requested.

III. Conclusion

All the stated grounds of objection and rejection have been respectfully traversed. Applicant respectfully submits that the present application is in condition for allowance. If the Examiner believes that further dialog would expedite consideration of the application, the Examiner is invited to contact Trading Technologies in-house Patent Counsel Joseph Flerlage at 312-698-6065.

Respectfully submitted,

Date: October 6, 2010

By: /Thomas J. Loos/  
Thomas J. Loos  
Reg. No. 60,161